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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Petition to Revoke
12 Probation Against:

13 **REGAL SUMMER OWENS**
1250 43rd Avenue
San Francisco, CA 94122
14 **Registered Nurse License No. 678357**

15 Respondent.

Case No. 2011-717

OAH No. 2011050393

PETITION TO REVOKE PROBATION

16
17 Louise R. Bailey, M.Ed., R.N. ("Complainant") alleges:

18 **PARTIES**

19 1. Complainant brings this Petition to Revoke Probation solely in her official capacity as
20 the Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer
21 Affairs.

22 **Registered Nurse License**

23 2. On or about April 26, 2006, the Board issued Registered Nurse License Number
24 678357 to Regal Summer Owens ("Respondent"). The Registered Nurse License was in effect at
25 all times relevant to the charges brought herein and will expire on March 31, 2014, unless
26 renewed.

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1 **Prior Discipline**

2 3. Effective January 19, 2012, pursuant to the Stipulated Settlement and Disciplinary
3 Order in Accusation No. 2011-717 (attached hereto as **Exhibit A**), the Board revoked
4 Respondent's Registered Nurse License No. 678357. However, the revocation was stayed and
5 Respondent's license was placed on probation for a period of three (3) years with certain terms
6 and conditions.

7 **STATUTORY PROVISIONS**

8 4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent
9 part, that the Board may discipline any licensee, including a licensee holding a temporary or an
10 inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of
11 the Nursing Practice Act.

12 5. Grounds exist for revoking the probation and reimposing the order of revocation of
13 Respondent's Registered Nurse License No. 678357. Condition 12 of the *Stipulated Settlement*
14 and *Disciplinary Order* in Accusation No. 2011-717 states:

15 If Respondent violates the conditions of her probation, the Board after giving
16 Respondent notice and an opportunity to be heard, may set aside the stay order and
 impose the stayed discipline (revocation/suspension) of Respondent's license.

17 If during the period of probation, an accusation or petition to revoke probation
18 has been filed against Respondent's license or the Attorney General's Office has been
19 requested to prepare an accusation or petition to revoke probation against
 Respondent's license, the probationary period shall automatically be extended and
 shall not expire until the accusation or petition has been acted upon by the Board.

20 6. Respondent's probation is subject to revocation, in that she violated probation as set
21 forth below:

22 **FIRST CAUSE TO REVOKE PROBATION**

23 **(Failure to Abstain from Use of Psychotropic Drugs, Including Alcohol)**

24 7. At all times after the effective date of Respondent's probation, Condition 16, stated,
25 in pertinent part:

26 Respondent shall completely abstain from the possession, injection or
27 consumption by any route of all controlled substances and all psychotropic (mood
28 altering) drugs, including alcohol, except when the same are ordered by a health care
 professional legally authorized to do so as part of documented medical treatment.

8. Respondent's probation is subject to revocation for failure to comply with Probation Condition 16, referenced above, in that on or about September 14, 2012, and September 28, 2012, Respondent tested positive for Ethyl Glucuronide (ETG) and Ethyl Sulfate (ETS).

SECOND CAUSE TO REVOKE PROBATION

(Failure to Submit to Tests and Samples)

9. At all times after the effective date of Respondent's probation, Condition 17 stated:

Respondent, at her expense, shall participate in a random, biological fluid testing or a drug screening program which the Board approves. The length of time and frequency will be subject to approval by the Board. Respondent is responsible for keeping the Board informed of Respondent's current telephone number at all times. Respondent shall also ensure that messages may be left at the telephone number when she is not available and ensure that reports are submitted directly by the testing agency to the Board, as directed. Any confirmed positive finding shall be reported immediately to the Board by the program and Respondent shall be considered in violation of probation.

In addition, Respondent, at any time during the period of probation, shall fully cooperate with the Board or any of its representatives, and shall, when requested, submit to such tests and samples as the Board or its representatives may require for the detection of alcohol, narcotics, hypnotics, dangerous drugs, or other controlled substances.

If Respondent has a positive drug screen for any substance not legally authorized and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board files a petition to revoke probation or an accusation, the Board may suspend Respondent from practice pending the final decision on the petition to revoke probation or the accusation. This period of suspension will not apply to the reduction of this probationary time period.

If Respondent fails to participate in a random, biological fluid testing or drug screening program within the specified time frame, Respondent shall immediately cease practice and shall not resume practice until notified by the Board. After taking into account documented evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the Board may suspend Respondent from practice pending the final decision on the petition to revoke probation or the accusation. This period of suspension will not apply to the reduction of this probationary time period.

10. Respondent's probation is subject to revocation for failure to comply with Probation Condition 17, referenced above, in that Respondent failed to participate in the drug screening program approved by the Board by failing to call First Lab on or about February 9, 2012, August 19, 2012, October 21, 2012, and November 10, 2012, and by failing to submit a urine sample on October 15, 2012, and November 1, 2012.

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1 **THIRD CAUSE TO REVOKE PROBATION**

2 **(Failure to Comply With the Department's Probation Program)**

3 11. At all times after the effective date of Respondent's probation, Condition 2 stated:

4 Respondent shall fully comply with the conditions of the Probation Program
5 established by the Board and cooperate with representatives of the Board in its
6 monitoring and investigation of the Respondent's compliance with the Board's
7 Probation Program. Respondent shall inform the Board in writing within no more
8 than 15 days of any address change and shall at all times maintain an active, current
9 license status with the Board, including during any period of suspension.

10 Upon successful completion of probation, Respondent's license shall be fully
11 restored.

12 12. Respondent's probation is subject to revocation for failing to comply with
13 Condition 2, referenced above, in that Respondent failed to fully comply with the Board's
14 Probation Program, as set forth in paragraphs 8 and 10, above.

15 **PRAYER**

16 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
17 and that following the hearing, the Board of Registered Nursing issue a decision:

18 1. Revoking the probation that was granted by the Board of Registered Nursing in Case
19 No. 2011-717 and imposing the disciplinary order that was stayed thereby revoking Registered
20 Nurse License No. 678357 issued to Regal Summer Owen;

21 2. Revoking or suspending Registered Nurse License No. 678357 issued to Regal
22 Summer Owen; and,

23 3. Taking such other and further action as deemed necessary and proper.

24 DATED: MARCH 18, 2013

25 *Louise R. Bailey*
26 LOUISE R. BAILEY, M.ED., R.N.
27 Executive Officer
28 Board of Registered Nursing
State of California
Complainant

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Exhibit A
Stipulated Settlement and Disciplinary Order
BOARD OF REGISTERED NURSING Case No. 2011-717

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

REGAL SUMMER OWENS
500 Stanyan Street
San Francisco, CA 94117

Registered Nurse License No. 678357

Respondent

Case No. 2011-717

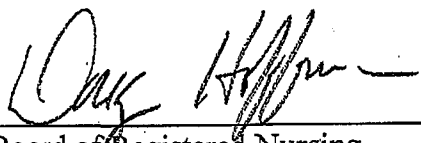
OA# No. 2011050393

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **January 19, 2012**.

IT IS SO ORDERED **December 20, 2011**.



Board of Registered Nursing
Department of Consumer Affairs
State of California

1 KAMALA D. HARRIS
Attorney General of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2011-717

12 **REGAL SUMMER OWENS**
500 Stanyan Street
13 San Francisco, CA 94117

OAH No. 2011050393
**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER.**

14 **Registered Nurse License No. 678357**

15 Respondent.

16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
18 entitled proceedings that the following matters are true:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Executive Officer of the Board of
21 Registered Nursing. She brought this action solely in her official capacity and is represented in
22 this matter by Kamala D. Harris, Attorney General of the State of California, by Elena L.
23 Almanzo, Deputy Attorney General.

24 2. Respondent Regal Summer Owens (Respondent) is represented in this proceeding by
25 attorney Robert F. Hahn, whose address is: 5801 Christie Avenue, Suite 385
26 Emeryville, CA 94608-1964
27
28

1 3. On or about April 26, 2006, the Board of Registered Nursing issued Registered Nurse
2 License No, RN 678357 to Regal Summer Owens (Respondent). The Registered Nurse License
3 was in full force and effect at all times relevant to the charges brought in Accusation No. 2011-
4 717 and will expire on March 31, 2012, unless renewed.

5 JURISDICTION

6 4. Accusation No. 2011-717 was filed before the Board of Registered Nursing (Board),
7 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
8 and all other statutorily required documents were properly served on Respondent on February 22,
9 2011. Respondent timely filed her Notice of Defense contesting the Accusation.

10 A copy of Accusation No. 2011-717 is attached as exhibit A and incorporated herein by
11 reference.

12 ADVISEMENT AND WAIVERS

13 5. Respondent has carefully read, fully discussed with counsel, and understands the
14 charges and allegations in Accusation No. 2011-717. Respondent has also carefully read, fully
15 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
16 Order.

17 6. Respondent is fully aware of her legal rights in this matter, including the right to a
18 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
19 her own expense; the right to confront and cross-examine the witnesses against her; the right to
20 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
21 compel the attendance of witnesses and the production of documents; the right to reconsideration
22 and court review of an adverse decision; and all other rights accorded by the California
23 Administrative Procedure Act and other applicable laws.

24 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
25 every right set forth above.

26 CULPABILITY

27 8. Respondent agrees that the charges and allegations as set forth in 14 a-h, 15, 16,
28 17, of Accusation Case No. 2011-717, if proven at hearing, constitute cause for imposing

1 discipline on her registered nursing license.

2 9. Respondent admits the truth of each allegation as set forth in paragraphs 18, 19,
3 and 20.

4 10. Respondent agrees that her Registered Nurse License is subject to discipline and she
5 agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

6 11. Respondent understands that pursuant to Business and Professions Code section
7 2760.1 (a) (3) that after a period of one year she may petition for the modification of any
8 condition of probation imposed by the Board's order.

9 CONTINGENCY

10 12. This stipulation shall be subject to approval by the Board of Registered Nursing.
11 Respondent understands and agrees that counsel for Complainant and the staff of the Board of
12 Registered Nursing may communicate directly with the Board regarding this stipulation and
13 settlement, without notice to or participation by Respondent or her counsel. By signing the
14 stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek
15 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails
16 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary
17 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal
18 action between the parties, and the Board shall not be disqualified from further action by having
19 considered this matter.

20 13. The parties understand and agree that facsimile copies of this Stipulated Settlement
21 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and
22 effect as the originals.

23 14. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
24 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
25 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
26 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
27 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
28 writing executed by an authorized representative of each of the parties.

15. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. RN 678357 issued to Respondent Regal Summer Owens (Respondent) is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.

Severability Clause. Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by Respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.

Criminal Court Orders: If Respondent is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

2. **Comply with the Board's Probation Program.** Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the Respondent's compliance with the Board's Probation Program. Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.

Upon successful completion of probation, Respondent's license shall be fully restored.

1 3. **Report in Person.** Respondent, during the period of probation, shall
2 appear in person at interviews/meetings as directed by the Board or its designated representatives.

3 4. **Residency, Practice, or Licensure Outside of State.** Periods of residency
4 or practice as a registered nurse outside of California shall not apply toward a reduction of this
5 probation time period. Respondent's probation is tolled, if and when she resides outside of
6 California. Respondent must provide written notice to the Board within 15 days of any change of
7 residency or practice outside the state, and within 30 days prior to re-establishing residency or
8 returning to practice in this state.

9 Respondent shall provide a list of all states and territories where she has ever been licensed
10 as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide
11 information regarding the status of each license and any changes in such license status during the
12 term of probation. Respondent shall inform the Board if she applies for or obtains a new nursing
13 license during the term of probation.

14 5. **Submit Written Reports.** Respondent, during the period of probation,
15 shall submit or cause to be submitted such written reports/declarations and verification of actions
16 under penalty of perjury, as required by the Board. These reports/declarations shall contain
17 statements relative to Respondent's compliance with all the conditions of the Board's Probation
18 Program. Respondent shall immediately execute all release of information forms as may be
19 required by the Board or its representatives.

20 Respondent shall provide a copy of this Decision to the nursing regulatory agency in every
21 state and territory in which she has a registered nurse license.

22 6. **Function as a Registered Nurse.** Respondent, during the period of
23 probation, shall engage in the practice of registered nursing in California for a minimum of 24
24 hours per week for 6 consecutive months or as determined by the Board.

25 For purposes of compliance with the section, "engage in the practice of registered nursing"
26 may include, when approved by the Board, volunteer work as a registered nurse, or work in any
27 non-direct patient care position that requires licensure as a registered nurse.

28 The Board may require that advanced practice nurses engage in advanced practice nursing

1 for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

2 If Respondent has not complied with this condition during the probationary term, and
3 Respondent has presented sufficient documentation of her good faith efforts to comply with this
4 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an
5 extension of Respondent's probation period up to one year without further hearing in order to
6 comply with this condition. During the one year extension, all original conditions of probation
7 shall apply.

8 **7. Employment Approval and Reporting Requirements.** Respondent shall
9 obtain prior approval from the Board before commencing or continuing any employment, paid or
10 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
11 performance evaluations and other employment related reports as a registered nurse upon request
12 of the Board.

13 Respondent shall provide a copy of this Decision to her employer and immediate
14 supervisors prior to commencement of any nursing or other health care related employment.

15 In addition to the above, Respondent shall notify the Board in writing within seventy-two
16 (72) hours after she obtains any nursing or other health care related employment. Respondent
17 shall notify the Board in writing within seventy-two (72) hours after she is terminated or
18 separated, regardless of cause, from any nursing, or other health care related employment with a
19 full explanation of the circumstances surrounding the termination or separation.

20 **8. Supervision.** Respondent shall obtain prior approval from the Board
21 regarding Respondent's level of supervision and/or collaboration before commencing or
22 continuing any employment as a registered nurse, or education and training that includes patient
23 care.

24 Respondent shall practice only under the direct supervision of a registered nurse in good
25 standing (no current discipline) with the Board of Registered Nursing, unless alternative methods
26 of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are
27 approved.

28 Respondent's level of supervision and/or collaboration may include, but is not limited to the

1 following:

2 (a) Maximum - The individual providing supervision and/or collaboration is present in
3 the patient care area or in any other work setting at all times.

4 (b) Moderate - The individual providing supervision and/or collaboration is in the patient
5 care unit or in any other work setting at least half the hours Respondent works.

6 (c) Minimum - The individual providing supervision and/or collaboration has person-to-
7 person communication with Respondent at least twice during each shift worked.

8 (d) Home Health Care - If Respondent is approved to work in the home health care
9 setting, the individual providing supervision and/or collaboration shall have person-to-person
10 communication with Respondent as required by the Board each work day. Respondent shall
11 maintain telephone or other telecommunication contact with the individual providing supervision
12 and/or collaboration as required by the Board during each work day. The individual providing
13 supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to
14 patients' homes visited by Respondent with or without Respondent present.

15 9. **Employment Limitations.** Respondent shall not work for a nurse's
16 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a
17 traveling nurse, or for an in-house nursing pool.

18 Respondent shall not work for a licensed home health agency as a visiting nurse unless the
19 registered nursing supervision and other protections for home visits have been approved by the
20 Board. Respondent shall not work in any other registered nursing occupation where home visits
21 are required.

22 Respondent shall not work in any health care setting as a supervisor of registered nurses.
23 The Board may additionally restrict Respondent from supervising licensed vocational nurses
24 and/or unlicensed assistive personnel on a case-by-case basis.

25 Respondent shall not work as a faculty member in an approved school of nursing or as an
26 instructor in a Board approved continuing education program.

27 Respondent shall work only on a regularly assigned, identified and predetermined
28 worksite(s) and shall not work in a float capacity.

1 If Respondent is working or intends to work in excess of 40 hours per week, the Board may
2 request documentation to determine whether there should be restrictions on the hours of work.

3 10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall
4 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later
5 than six months prior to the end of her probationary term.

6 Respondent shall obtain prior approval from the Board before enrolling in the course(s).
7 Respondent shall submit to the Board the original transcripts or certificates of completion for the
8 above required course(s). The Board shall return the original documents to Respondent after
9 photocopying them for its records.

10 11. **Cost Recovery.** Respondent shall pay to the Board costs associated with
11 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
12 amount of \$5,500. Respondent shall be permitted to pay these costs in a payment plan approved
13 by the Board, with payments to be completed no later than three months prior to the end of the
14 probation term.

15 If Respondent has not complied with this condition during the probationary term, and
16 Respondent has presented sufficient documentation of her good faith efforts to comply with this
17 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an
18 extension of Respondent's probation period up to one year without further hearing in order to
19 comply with this condition. During the one year extension, all original conditions of probation
20 will apply.

21 12. **Violation of Probation.** If Respondent violates the conditions of her
22 probation, the Board after giving Respondent notice and an opportunity to be heard, may set aside
23 the stay order and impose the stayed discipline (revocation/suspension) of Respondent's license.

24 If during the period of probation, an accusation or petition to revoke probation has been
25 filed against Respondent's license or the Attorney General's Office has been requested to prepare
26 an accusation or petition to revoke probation against Respondent's license, the probationary
27 period shall automatically be extended and shall not expire until the accusation or petition has
28 been acted upon by the Board.

1 13. **License Surrender.** During Respondent's term of probation, if she ceases
2 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of
3 probation, Respondent may surrender her license to the Board. The Board reserves the right to
4 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to
5 take any other action deemed appropriate and reasonable under the circumstances, without further
6 hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent will no
7 longer be subject to the conditions of probation.

8 Surrender of Respondent's license shall be considered a disciplinary action and shall
9 become a part of Respondent's license history with the Board. A registered nurse whose license
10 has been surrendered may petition the Board for reinstatement no sooner than the following
11 minimum periods from the effective date of the disciplinary decision:

12 (1) Two years for reinstatement of a license that was surrendered for any reason other
13 than a mental or physical illness; or

14 (2) One year for a license surrendered for a mental or physical illness.

15 14. **Physical Examination.** Within 45 days of the effective date of this
16 Decision, Respondent, at her expense, shall have a licensed physician, nurse practitioner, or
17 physician assistant, who is approved by the Board before the assessment is performed, submit an
18 assessment of the Respondent's physical condition and capability to perform the duties of a
19 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If
20 medically determined, a recommended treatment program will be instituted and followed by the
21 Respondent with the physician, nurse practitioner, or physician assistant providing written reports
22 to the Board on forms provided by the Board.

23 If Respondent is determined to be unable to practice safely as a registered nurse, the
24 licensed physician, nurse practitioner, or physician assistant making this determination shall
25 immediately notify the Board and Respondent by telephone, and the Board shall request that the
26 Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall
27 immediately cease practice and shall not resume practice until notified by the Board. During this
28 period of suspension, Respondent shall not engage in any practice for which a license issued by

1 the Board is required until the Board has notified Respondent that a medical determination
2 permits Respondent to resume practice. This period of suspension will not apply to the reduction
3 of this probationary time period.

4 If Respondent fails to have the above assessment submitted to the Board within the 45-day
5 requirement, Respondent shall immediately cease practice and shall not resume practice until
6 notified by the Board. This period of suspension will not apply to the reduction of this
7 probationary time period. The Board may waive or postpone this suspension only if significant,
8 documented evidence of mitigation is provided. Such evidence must establish good faith efforts
9 by Respondent to obtain the assessment, and a specific date for compliance must be provided.
10 Only one such waiver or extension may be permitted.

11 15. **Participate in Treatment/Rehabilitation Program.** Respondent, at her
12 expense, shall successfully complete during the probationary period or shall have successfully
13 completed prior to commencement of probation a Board-approved treatment/rehabilitation
14 program of at least six months duration. As required, reports shall be submitted by the program
15 on forms provided by the Board. If Respondent has not completed a Board-approved
16 treatment/rehabilitation program prior to commencement of probation, Respondent, within 45
17 days from the effective date of the decision, shall be enrolled in a program. If a program is not
18 successfully completed within the first nine months of probation, the Board shall consider
19 Respondent in violation of probation.

20 Based on Board recommendation, each week Respondent shall be required to attend at least
21 one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics Anonymous,
22 Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by the Board.
23 If a nurse support group is not available, an additional 12-step meeting or equivalent shall be
24 added. Respondent shall submit dated and signed documentation confirming such attendance to
25 the Board during the entire period of probation. Respondent shall continue with the recovery plan
26 recommended by the treatment/rehabilitation program or a licensed mental health examiner
27 and/or other ongoing recovery groups.

28 //

1 **16. Abstain from Use of Alcohol or other Mood-Altering Drugs.** Respondent shall
2 completely abstain from the possession, injection or consumption by any route of all controlled
3 substances and all psychotropic (mood altering) drugs, including alcohol, except when the same
4 are ordered by a health care professional legally authorized to do so as part of documented
5 medical treatment. Respondent shall have sent to the Board, in writing and within fourteen (14)
6 days, by the prescribing health professional, a report identifying the medication, dosage, the date
7 the medication was prescribed, the Respondent's prognosis, the date the medication will no
8 longer be required, and the effect on the recovery plan, if appropriate.

9 Respondent shall identify for the Board a single physician, nurse practitioner or physician
10 assistant who shall be aware of Respondent's history of substance abuse and will coordinate and
11 monitor any prescriptions for Respondent for dangerous drugs, controlled substances or mood-
12 altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report
13 to the Board on a quarterly basis Respondent's compliance with this condition. If any substances
14 considered addictive have been prescribed, the report shall identify a program for the time limited
15 use of any such substances.

16 The Board may require the single coordinating physician, nurse practitioner, or physician
17 assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive
18 medicine.

19 **17. Submit to Tests and Samples.** Respondent, at her expense, shall
20 participate in a random, biological fluid testing or a drug screening program which the Board
21 approves. The length of time and frequency will be subject to approval by the Board.
22 Respondent is responsible for keeping the Board informed of Respondent's current telephone
23 number at all times. Respondent shall also ensure that messages may be left at the telephone
24 number when she is not available and ensure that reports are submitted directly by the testing
25 agency to the Board, as directed. Any confirmed positive finding shall be reported immediately
26 to the Board by the program and Respondent shall be considered in violation of probation.

27 In addition, Respondent, at any time during the period of probation, shall fully cooperate
28 with the Board or any of its representatives, and shall, when requested, submit to such tests and

1 samples as the Board or its representatives may require for the detection of alcohol, narcotics,
2 hypnotics, dangerous drugs, or other controlled substances.

3 If Respondent has a positive drug screen for any substance not legally authorized and not
4 reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board
5 files a petition to revoke probation or an accusation, the Board may suspend Respondent from
6 practice pending the final decision on the petition to revoke probation or the accusation. This
7 period of suspension will not apply to the reduction of this probationary time period.

8 If Respondent fails to participate in a random, biological fluid testing or drug screening
9 program within the specified time frame, Respondent shall immediately cease practice and shall
10 not resume practice until notified by the Board. After taking into account documented evidence
11 of mitigation, if the Board files a petition to revoke probation or an accusation, the Board may
12 suspend Respondent from practice pending the final decision on the petition to revoke probation
13 or the accusation. This period of suspension will not apply to the reduction of this probationary
14 time period.

15 18. **Mental Health Examination.** Respondent shall, within 45 days of the
16 effective date of this Decision, have a mental health examination including psychological testing
17 as appropriate to determine her capability to perform the duties of a registered nurse. The
18 examination will be performed by a psychiatrist, psychologist or other licensed mental health
19 practitioner approved by the Board. The examining mental health practitioner will submit a
20 written report of that assessment and recommendations to the Board. All costs are the
21 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a
22 result of the mental health examination will be instituted and followed by Respondent.

23 If Respondent is determined to be unable to practice safely as a registered nurse, the
24 licensed mental health care practitioner making this determination shall immediately notify the
25 Board and Respondent by telephone, and the Board shall request that the Attorney General's
26 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease
27 practice and may not resume practice until notified by the Board. During this period of
28 suspension, Respondent shall not engage in any practice for which a license issued by the Board

1 is required, until the Board has notified Respondent that a mental health determination permits
2 Respondent to resume practice. This period of suspension will not apply to the reduction of this
3 probationary time period.

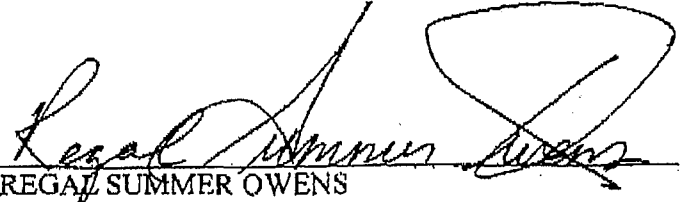
4 If Respondent fails to have the above assessment submitted to the Board within the 45-day
5 requirement, Respondent shall immediately cease practice and shall not resume practice until
6 notified by the Board. This period of suspension will not apply to the reduction of this
7 probationary time period. The Board may waive or postpone this suspension only if significant,
8 documented evidence of mitigation is provided. Such evidence must establish good faith efforts
9 by Respondent to obtain the assessment, and a specific date for compliance must be provided.
10 Only one such waiver or extension may be permitted.

11 19. **Therapy or Counseling Program.** Respondent, at her expense, shall
12 participate in an on-going counseling program until such time as the Board releases her from this
13 requirement and only upon the recommendation of the counselor. Written progress reports from
14 the counselor will be required at various intervals.

15 ACCEPTANCE

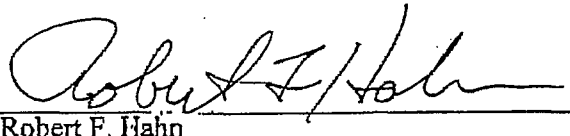
16 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
17 discussed it with my attorney, Robert F. Hahn. I understand the stipulation and the effect it will
18 have on my Registered Nurse License. I enter into this Stipulated Settlement and Disciplinary
19 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order
20 of the Board of Registered Nursing.

21
22 DATED: 10-8-11

23 
REGAL SUMMER OWENS
Respondent

24 I have read and fully discussed with Respondent Regal Summer Owens the terms and
25 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
26 I approve its form and content.

27 DATED: 10-10-11

28 
Robert F. Hahn
Attorney for Respondent

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order are hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

Dated: 10/12/2011

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
ARTHUR D. TAGGART
Supervising Deputy Attorney General


ELENA L. ALMANZO
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 2011-717

1 EDMUND G. BROWN JR.
Attorney General of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 ELENA L. ALMANZO
Deputy Attorney General
4 State Bar No. 131058
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 322-5524
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2011-717

13 **REGAL SUMMER OWENS**
5200 Woodline Dr. S
14 Mobile, AL 36693

ACCUSATION

15 **Registered Nurse License No. 678357**

16 Respondent.

17
18 Louise R. Bailey, M.Ed., RN ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Accusation solely in her official capacity as the Executive
21 Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

22 2. On or about April 26, 2006, the Board issued Registered Nurse License Number
23 678357 to Regal Summer Owens ("Respondent"). The license was in full force and effect at all
24 times relevant to the charges brought herein and will expire on March 31, 2012, unless renewed.

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1 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
2 himself or herself, any other person, or the public or to the extent that such use impairs his or her
3 ability to conduct with safety to the public the practice authorized by his or her license.

4 (c) Be convicted of a criminal offense involving the prescription, consumption, or self-
5 administration of any of the substances described in subdivisions (a) and (b) of this section, or the
6 possession of, or falsification of a record pertaining to, the substances described in subdivision (a)
7 of this section, in which event the record of the conviction is conclusive evidence thereof."

8 (e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any
9 hospital, patient, or other record pertaining to the substances described in subdivision (a) of this
10 section."

11 REGULATORY PROVISIONS

12 8. California Code of Regulations, title 16, section 1442, states:

13 "As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from
14 the standard of care which, under similar circumstances, would have ordinarily been exercised by
15 a competent registered nurse. Such an extreme departure means the repeated failure to provide
16 nursing care as required or failure to provide care or to exercise ordinary precaution in a single
17 situation which the nurse knew, or should have known, could have jeopardized the client's health
18 or life."

19 9. California Code of Regulations, title 16, section 1443, states:

20 "As used in Section 2761 of the code, 'incompetence' means the lack of possession of or the
21 failure to exercise that degree of learning, skill, care and experience ordinarily possessed and
22 exercised by a competent registered nurse as described in Section 1443.5."

23 COST RECOVERY

24 10. Code section 125.3 provides, in pertinent part, that the Board may request the
25 administrative law judge to direct a licensee found to have committed a violation or violations of
26 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
27 enforcement of the case.

28 ///

1 **DRUGS**

2 11. "Dilaudid," a brand of hydromorphone, is a Schedule II controlled substance as
3 designated by Health and Safety Code section 11055(b)(1)(K).

4 12. "Morphine," is a Schedule II controlled substance as designated by Health and
5 Safety Code section 11055(b)(1)(M).

6 13. "Norco" is a compound consisting of 10 mg. hydrocodone bitartrate, also known
7 as dihydrocodeinone, a Schedule III controlled substance as designated by Health and Safety
8 Code section 11056(e)(4), and 325 mg. acetaminophen per tablet.

9 **FIRST CAUSE FOR DISCIPLINE**

10 **(Falsified, Made Incorrect or Inconsistent Entries In Hospital or Patient Records)**

11 14. Respondent is subject to discipline under Code section 2761(a), on the grounds of
12 unprofessional conduct as defined in Code section 2762(e), in that between June 17, 2008, and
13 June 26, 2008, while employed by RNS Staffing (registry) and on assignment as a registered
14 nurse at Mercy General Hospital, located in Sacramento, California, Respondent falsified, made
15 grossly incorrect, grossly inconsistent or unintelligible entries in hospital or patient records in the
16 following respects:

17 **Patient A:**

18 a. On or about June 24, 2008, at 2030 hours, Respondent withdrew one (1) 5 mg. tablet
19 of Norco, but failed to account for the disposition of the Norco in any hospital or patient record.

20 **Patient B:**

21 b. On or about June 24, 2008, at 2144 hours, Respondent withdrew one (1) 2 mg.
22 injectable of Morphine without a physician's order, and failed to account for the disposition of the
23 Morphine in any hospital or patient record. In addition, Respondent was not assigned to care for
24 this patient.

25 c. On or about June 24, 2008, at 2144 hours, Respondent withdrew one (1) 4 mg.
26 injectable of Morphine without a physician's order, and failed to account for the disposition of the
27 Morphine in any hospital or patient record. In addition, Respondent was not assigned to care for
28 this patient.

1 **Patient C:**

2 d. On or about June 25, 2008, at 1942 hours, Respondent withdrew one (1) 1 mg.
3 injectable of Dilaudid, but failed to account for the disposition of the Dilaudid in any hospital or
4 patient record.

5 **Patient D:**

6 e. On or about June 24, 2008, at 0624 hours, Respondent withdrew one (1) 4 mg.
7 injectable of Dilaudid. Respondent charted the administration of 3 mg. of Dilaudid at 0615 hours,
8 but failed to account for the disposition of the remaining 1 mg. of Dilaudid in any hospital or
9 patient record.

10 **Patient E:**

11 f. On or about June 17, 2008, at 0642 hours, Respondent withdrew one (1) 1 mg.
12 injectable of Dilaudid without a physician's order, and failed to account for the disposition of the
13 Dilaudid in any hospital or patient record.

14 **Patient F:**

15 g. On or about June 24, 2008, at 0252 hours, Respondent withdrew one (1) 2 mg.
16 injectable of Morphine. Respondent charted the administration of 2 mg. of Morphine at 0230
17 hours. However, the physician's order called for 4 mg. of Morphine to be administered to the
18 patient.

19 h. On or about June 24, 2008, at 0314 hours, Respondent withdrew one (1) 2 mg.
20 injectable of Morphine without a physician's order, and failed to account for the disposition of the
21 Morphine in any hospital or patient record.

22 **SECOND CAUSE FOR DISCIPLINE**

23 **(Gross Negligence)**

24 15. Respondent is subject to discipline under Code section 2761(a)(1), on the grounds of
25 unprofessional conduct, in that between June 17, 2008, and June 26, 2008, while employed by
26 RNS Staffing (registry) and on assignment as a registered nurse at Mercy General Hospital,
27 located in Sacramento, California, Respondent was grossly negligent as more particularly set
28 forth above in paragraph 14, subdivisions (a) through (d).

1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Incompetence)**

3 16. Respondent is subject to discipline under Code section 2761(a)(1), on the grounds of
4 unprofessional conduct, in that between June 17, 2008, and June 26, 2008, while employed by
5 RNS Staffing (registry) and on assignment as a registered nurse at Mercy General Hospital,
6 located in Sacramento, California, Respondent was incompetent, as more particularly set forth
7 above in paragraph 14, subdivisions (a) through (e), and (g).

8 **FOURTH CAUSE FOR DISCIPLINE**

9 **(Unprofessional Conduct)**

10 17. Respondent is subject to discipline under Code section 2761(a), on the grounds of
11 unprofessional conduct, in that between June 17, 2008, and June 26, 2008, while employed by
12 RNS Staffing (registry) and on assignment as a registered nurse at Mercy General Hospital,
13 located in Sacramento, California, Respondent demonstrated unprofessional conduct, as more
14 particularly set forth above in paragraph 14, subdivisions (b) and (c), and (f) through (h).

15 **FIFTH CAUSE FOR DISCIPLINE**

16 **(Conviction of a Crime)**

17 18. Respondent is subject to discipline under Code section 2761(f), in that on or about
18 August 11, 2010, in the case of *People v. Regal Summer Owens*, (Super. Ct. Alameda County,
19 Case No. 562268), Respondent was convicted by the Court on her plea of no contest of violating
20 Vehicle Code section 23152(b) (driving with a blood alcohol level of .08% or higher), a
21 misdemeanor, a crime that is substantially related to the qualifications, functions or duties of a
22 licensed registered nurse. The circumstances of the crime was that on or about May 26, 2010,
23 Respondent drove a vehicle while having a blood alcohol level of 0.16%.

24 **FIFTH CAUSE FOR DISCIPLINE**

25 **(Dangerous Use of Alcohol)**

26 19. Respondent is subject to discipline under Code sections 2761(a), on the grounds of
27 unprofessional conduct, as defined in Code section 2762(b), in that on or about May 26, 2010,
28 Respondent used an alcoholic beverage to an extent or in a manner dangerous or injurious to

1 herself and the public when she operated a vehicle while under the influence of alcohol, as more
2 particularly set forth above in paragraph 18.

3 **SIXTH CAUSE FOR DISCIPLINE**

4 **(Conviction Involving the Consumption of Alcohol)**

5 20. Respondent is subject to discipline under Code section 2761(a), on the grounds of
6 unprofessional conduct as defined in Code section 2762(c), in that on or about August 11, 2010,
7 Respondent was convicted of a crime involving the consumption of alcohol, as more particularly
8 set forth above in paragraph 18.

9 **PRAYER**

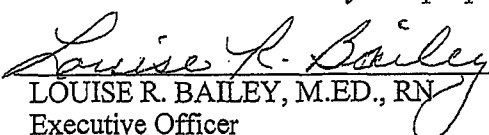
10 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
11 and that following the hearing, the Board of Registered Nursing issue a decision:

12 1. Revoking or suspending Registered Nurse License Number 678357, issued to Regal
13 Summer Owens;

14 2. Ordering Regal Summer Owens to pay the Board of Registered Nursing the
15 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
16 Professions Code section 125.3; and,

17 3. Taking such other and further action as deemed necessary and proper.

18 DATED: 2/22/11


LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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